

**UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF TENNESSEE**

JONES, ET AL.

Plaintiffs,
v.

VARSITY BRANDS, LLC, ET AL.,

Defendants.

Case No. 2:20-cv-02892-SHL-tmp

**DEFENDANTS' MOTION TO REQUIRE ADHERENCE WITH FORMATTING
REQUIREMENTS OF LOCAL RULE 7.1**

Local Rule 7.1 requires that, in papers presented for filing, “[l]ines must be double-spaced, except that quotations may be indented and single-spaced and headings and footnotes may be single-spaced.” LR 7.1(b). All widely-used word processing programs, including Microsoft Word, Google Documents, and Apple Pages, use 28 “points” of spacing when set to double-space lines.

In the process of preparing replies in support of Defendants’ motion for summary judgment, Defendants discovered that Plaintiffs have with regularity overrode the standard double-space setting and instead spaced lines 24 points apart. This has enabled Plaintiffs to have approximately 27 lines on each page, rather than the approximately 23 lines per page that would result from formatting using standard double spacing. By doing so, Plaintiffs gained approximately 7 and a half additional pages for their statement of additional facts and approximately 17 additional pages for their legal memoranda opposing summary judgment.¹

¹ These calculations are based on approximately four additional lines per page for Plaintiffs’ 49-page statement of additional material fact (effectively rendering it a 57-and-a-half page statement) and 99 pages of legal memoranda (effectively rendering those memoranda 116 pages long).

This was not in accordance with the rules requiring double-spacing. *See, e.g., P.G. ex rel. D.G. v. City Sch. Dist. of New York*, No. 14 CIV. 1207 KPF, 2015 WL 787008, at *1 (S.D.N.Y. Feb. 25, 2015) (“Plaintiffs’ counsel abused the page limit and violated the Local Rules by reducing the line spacing to slightly less than double-spaced. This meant that rather than having 23 lines per page, Plaintiffs had 27 lines per page.”); *Doubleday Acquisitions LLC v. Envirotainer AB*, No. 1:21-CV-03749-SCJ, 2022 WL 18777366, at *3 (N.D. Ga. July 1, 2022) (surveying cases and concluding that the court’s local rules, which required text to be “double-spaced between lines,” required “parties to use a word processor’s default double-spacing option rather than exact spacing”).

There do not appear to be any cases in this district pertaining to this issue. During the meet and confer process relating to this motion, Plaintiffs pointed to cases from districts in the Ninth Circuit to the effect that 24-point spacing complies with those courts’ local rules, in particular *Andrich v. Glynn*, No. CV-21-00047-TUC-RM, 2023 WL 4847592, at *3 (D. Ariz. July 28, 2023) and *Sameer v. Khera*, No. 117CV01748DADEPG, 2018 WL 3472557, at *1 (E.D. Cal. July 18, 2018). At least one of those districts has local rules expressly allowing documents with up to 28 lines per page; this district does not. *See Andrich*, at *3.²

To ensure a level playing field going forward, Defendants request that the Court issue an order requiring the default spacing of Microsoft Word, Google Docs, and Apple Pages (28 points between lines for double spacing, 14 points between lines for single spacing) for filings subject to Local Rule 7.1.

² See Local Rule 7.1(b)(1), available at https://www.azd.uscourts.gov/sites/azd/files/local-rules/LRCiv_2021.pdf.

Dated: October 19, 2023

Respectfully submitted,

s/ Matthew S. Mulqueen

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CERTIFICATE OF CONSULTATION UNDER LOCAL RULE 7.2(a)(1)(B)

I hereby certify that on September 28, 2023, I notified Plaintiffs' counsel via email of Defendants' position that Plaintiffs' use of 24-point spacing did not comply with Local Rule 7.1(b). Plaintiffs indicated via email on September 28, 2023, that they disagreed with Defendants' interpretation of the rule. Defendants notified Plaintiffs of Defendants' intent to seek the relief requested in this motion via telephone on October 18, 2023, after which Defendants sought an agreed resolution of the issue via email consultation. Plaintiffs indicated via email on October 19 that they continued to disagree with Defendants' interpretation of LR 7.1(b) and would not agree to use Microsoft Word's double spacing, necessitating this motion.

s/ Matthew S. Mulqueen
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